

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: August 26, 2014

Agenda Item: York Gulch Road Access Easement Project

Division: Wildlife

Action Needed: Final Approval

Time Needed on Agenda for this Presentation: 10 minutes

◆-----◆

Background: In 2005, The Montana's Outdoor Legacy Foundation acquired 287 acres of contiguous patented mining claims through a donation, with the intent of re-conveying the property to the Helena National Forest when purchase monies became available. The Black Bear Road that accesses the property is the principle access to the York Gulch area and surrounding Helena National Forest lands, but due to multiple small parcels of private land consisting of old mining claims along this route, legal public access to the Foundation's property and USFS land beyond does not currently exist. Prickly Pear Land Trust (PPLT) is a partner with the Foundation and the USFS in conveying the inholdings in the York Gulch area to the USFS. While Prickly Pear Land Trust (PPLT), the Forest Service, and Foundation initially pursued legal public access via 2.5 miles across 24 tracts of land held under 14 different landowners along Black Bear Road, they ultimately determined that was not possible due to the complexity of individual expectations and demands by the landowners.

Since this access project was originally proposed in March 2013, an alternate route was identified along USFS Road 4136-A4 that crosses private lands (five mining claims) to the east of the Foundation's property that could provide access. This property was owned by the Tiddy Family for many years. To achieve the goal of Foundation and USFS to acquire the inholdings and secure access, PPLT purchased the Tiddy property. The alternate access to the Foundation's York Gulch property via the PPLT property is acceptable to the Forest Service and the Foundation's funding partners. Therefore, we respectfully request that the FWP Access Public Lands Program project funds previously approved for use to perfect access via Black Bear road be approved for use to perfect public access to the Foundation's York Gulch property via the PPLT property. The value of the road easements via the Black Bear road access route were projected to be valued at \$67,100 using past easement purchase data from Montana Fish, Wildlife and Parks. The easement value via the Tiddy property, using the same data is estimated at \$57,500 (\$50,000 per mile).

Public Involvement Process & Results

An EA has been completed with two comments received by the public. One comment supported the proposed action and one comment in opposition. A Decision Notice was issued August 13, 2014, accepting the proposed action to purchase a public road easement for public use of a road that is currently closed to the public, providing for public access in perpetuity.

Alternatives and Analysis

Proposed Action: FWP proposes to assist with this purchase of permanent road access easement from willing landowners across private land to provide permanent public access to this large amount of national forest land.

No Action alternative: FWP would forgo the opportunity to assist with this purchase of needed access easements, which would greatly reduce the likelihood that public access to this large tract of national forest land would be secured.

Agency Recommendation & Rationale

FWP recommends approval by the FW Commission to proceed with effort to purchase the public access road easements along the proposed route.

Proposed Motion

I move the FW Commission approve the decision to use FWP Access Public Lands Program funds to purchase the public access right-of-way easement along the proposed route to provide access to land which will be administered by the Helena National Forest.